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Fifty-eighth year

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Tuesday, 6 May 2003, 10 a.m.

New York

President:	Mr. Akram	(Pakistan)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Banoum
	Chile	Mr. Valdés
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Boubacar Diallo
	Mexico	Mr. Aguilar Zinser
	Russian Federation	Mr. Konuzin
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The situation in Afghanistan

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03-34657 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Afghanistan

The President: I should like to inform the Council that I have received a letter from the representative of Afghanistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Farhâdi (Afghanistan) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan.

I invite Mr. Brahimi to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan, to whom I give the floor.

Mr. Brahimi: It is a privilege and an honour for me to brief the Council once again on Afghanistan. It is a particular pleasure and honour to be speaking under your presidency, Sir, and I wish you a very successful month at the head of the Security Council.

Members will recall that when I last had the privilege of briefing the Council, in January, I noted that the Bonn process faced a critical test this year and that, against a backdrop of ongoing and increasing security concerns, the Government, with support from the international community, would have to register significant progress in key areas such as national reconciliation, the building of national security structures and national reconstruction in order to safeguard the success of the process. Today, I must reiterate and amplify the concerns I raised in January because, although specific aspects of Bonn are proceeding, the process as a whole is challenged by the deterioration in the security environment, which stems from daily harassment and intimidation, inter-ethnic and interfactional strife, increases in the activity of elements linked to the Taliban and to Gulbuddin Hekmatyar, and the drugs economy. The process is also challenged by the fact that national security institutions are perceived by many Afghans, perhaps the majority, as not serving the broad national interests of all the people of Afghanistan.

Let me outline the areas of some of the main activities being conducted in Afghanistan these days. Members will see that the issue of security arises at every turn.

In an important step forward towards meeting the time frame set out in Bonn for convening the Constitutional Loya Jirga, the Constitutional Commission was inaugurated by the father of the nation, former King Zahir Shah, on 26 April. Composed of 35 members, including seven women, the Commission represents the full ethnic, regional and religious diversity of the Afghan people. The previously established Drafting Committee has prepared a preliminary draft constitution, which it will present to the full Commission soon. Next, over the summer months, the Commission is to consult the public on their views and aspirations related to the constitution. This will require the members of the Commission to break up into subcommittees that will visit all parts of the country and hold scores of large and not-so-large meetings with elders, religious and community leaders, women, intellectuals, traders and ordinary people. The United Nations will support and participate in those activities. Obviously, such activities require a minimum of security on the roads and in the cities and villages of Afghanistan. On the basis of its findings, the Commission will finalize a draft constitution and present it to the Constitutional Loya Jirga for its consideration and ratification — we hope, in October. And naturally, selecting the participants in the Loya Jirga and holding the assembly

itself will also require security and the absence of intimidation and harassment.

The elections called for under Bonn will also be a major undertaking. We are in the process of establishing the electoral unit of the United Nations Assistance Mission in Afghanistan (UNAMA), and early planning for national voter registration has begun. Given the considerable institution-building demands faced by the Government on all fronts, Afghanistan's own electoral capacity is not yet ready. As President Karzai requested in his letter of 15 February to the Secretary-General, the UNAMA electoral unit will have to play a core role throughout the entire electoral process, while at the same time helping to build the capacity of the future electoral management body.

The elections will require substantial resources, since registration and polling must reach every eligible Afghan across the country and in major refugee areas in a timely and equitable manner. In order to plan and effectively fulfil UNAMA's assistance in all phases of the electoral process, our electoral unit will require an element of assured funding through the assessed budget. Although substantial, it will constitute a fraction of the overall cost of the electoral exercise, and a larger, complementary budget for voluntary funding has also been prepared. I urge donors and Member States to provide the necessary support for this fundamental exercise, since effective preparations cannot commence until funds become available.

Security will be even more vital for the preparation and organization of the elections. The registration exercise will require the recruitment and training of some 3,000 Afghans — men and women — who will have to spend time in each of the nearly 400 districts and visit thousands of villages. As is the case with the consultations of the Constitutional Commission, that exercise can be conducted only if there is security. Furthermore, elections everywhere divide people and create tensions. Afghanistan will not be an exception, and, here again, security will be essential.

The Government has taken a step forward in what will be a long effort to control the poppy cultivation which makes Afghanistan the world's leading supplier of poppy. It is in the final stages of completing a 10-year national drug control strategy, with the assistance of the United Kingdom as lead nation. The President has requested the support of all Government ministers for this plan, which includes programmes for alternative economic incentives for farmers, as well as the building of Government capacity in the area of national law enforcement. It goes without saying that opium production and the drugs economy is a contributing factor to insecurity and, if unchecked, has the potential to undermine much of the institution-building effort and the rule of law in Afghanistan.

Though not at the levels recorded during last year's massive return of refugees, the rate of assisted refugee returns to Afghanistan has again increased significantly during the month of April. The Government and the Office of the United Nations High Commissioner for Refugees estimate that 600,000 Afghans will return this year from Pakistan, 500,000 from Iran and 100,000 from other countries.

There has been progress towards the national census called for under Bonn. The first phase of the census involves updating maps, locating and listing each house in Afghanistan and making preliminary population counts. That first phase will be completed nationwide by the spring of 2004 and will serve as the planning basis for phase two — the actual census — which will collect a wide range of information at the level of the individual and provide demographic and socio-economic information necessary for national planning and development.

In a moving display of determination and hope, the opening of schools on 22 March saw a record 4 million to 5 million children return to school, up from 3 million last year. The Ministry of Education, with support from UNICEF and the United States Agency for International Development (USAID), as well as from Japan and other donors, has provided school supplies for more than 4 million children and teaching supplies for 50,000 primary school teachers. There have been several incidents of arson against girls' schools, which may reflect either extremist action or rivalry among local commanders — probably both — but which fly in the face of most parents' desire to see both girls and boys in school.

In the judicial sector, the Judicial Reform Commission has completed a survey of the state of the judiciary in 10 provinces and major urban centres in the country. The Commission's survey team is focusing on the infrastructure and the functioning of the formal justice system, including staffing, procedures, correction and detention centres, as well as

on the informal justice system. It is expected that the final report of the survey will be available by the end of June and will provide a basis for projects in the judicial reform effort, which Italy assists as a lead nation.

With respect to administrative reform, progress towards reform of the public administration, although slow to date, is now picking up, owing in large part to the growing role of the Civil Service Commission. A review of the existing administrative laws is under way. This review will provide the basis for a definition of the legal framework and for the system of governance, which will be developed both centrally and sub-nationally.

The United Nations system is currently seconding 140 staff to various Government structures. To a large degree, the focus of the support of the United Nations has been on ministries and other entities at the national level. UNAMA has supported the planning and policy elaboration functions of the Ministry of Rehabilitation and Rural Development. Other United Nations agencies have focused their efforts on building the capacity of their respective counterpart line ministries. Finance and accounting systems are also being strengthened at both the central and provincial levels.

Concerning the Afghanistan Reconstruction Trust Fund, at the Afghanistan High Level Strategic Forum held in Brussels in March 2003, the Afghan Government presented a combined recurrent and development budget of $2.2 billion for fiscal year 1382, which runs from 22 March 2003 to March 2004. At the same time, donor commitments exceeded $1.95 billion. This is very encouraging indeed, although it should be recalled that additional resources will be needed for critical non-budgetary items such as the elections — which we think will run into something like $80 million — mine action and disarmament, demobilization and reintegration (DDR). The Government remains reliant on donor funds to cover funding shortfalls in the recurrent budget.

Turning to reconstruction more generally, the end of winter has allowed a number of reconstruction projects to begin. Foremost among these is the international effort to rehabilitate key roads and highways. For the road connecting Kabul to Herat via Kandahar, plans call for the Kabul-to-Kandahar portion to be completed by December of this year, while work continues on the Kandahar-to-Herat segment. Similarly, a consortium of international donors is funding the roads from Kabul to Kunduz and from Kabul through Jalalabad to Pakistan.

Much progress has been made on the implementation of two of the key national priority subprogrammes, the National Emergency Employment Programme (NEEP) and the National Solidarity Programme (NSP). The World Bank supports both of these programmes, which are designed to inject central Government funds into local economies. Discussions are being finalized for the implementation of the $75 million NEEP, which is intended to, first, provide productive employment opportunities for the most vulnerable people; and secondly, to develop infrastructure assets through labour-based methods, using a private-sector-led approach. The NSP officially commenced in April. At the time of launching, over $11 million had been received by the Government for this programme, which aims to empower local communities through the direct allocation of development funds to them.

With respect to the human rights situation, the Afghan Independent Human Rights Commission has taken encouraging steps to expand its work programme, with satellite offices now open in Herat, Bamyan, Mazar-e-Sharif, Jalalabad and Gardez. Others will be opening in the near future in Kandahar and Faizabad. The Commission, with the assistance of UNAMA, is actively investigating reports of human rights violations throughout Afghanistan. Afghanistan also ratified, on 4 April 2003, the Convention on the Elimination of All Forms of Discrimination against Women. This has sent an encouraging sign to advocates, both within and outside the country, for greater promotion and protection of the rights of women in Afghanistan. Also on a positive note, the Afghan Transitional Authority passed a new law granting Afghans the right to hold public assemblies or strikes. Afghanistan has also ratified the Rome Statute of the International Criminal Court.

Yet despite gradual progress in some areas, the human rights situation faced by Afghans throughout the country remains serious. In Herat, UNAMA is investigating alleged cases of summary executions, rape and other forms of sexual violence, and continuing political intimidation of journalists and civil society actors. In Laghman, several women participants in International Women's Day celebrations were beaten by armed groups allegedly linked to the authorities,

and the head of the Women's Affairs' Department in Laghman has received several threats against her life, possibly from Taliban remnants, warning her to stop all activities in the province. Additionally, in Logar province, reports of intimidation against women delegates to the Emergency Loya Jirga have been confirmed.

In the North, particularly in Faryab and Jawzjan provinces, fighting and insecurity have led to renewed displacement of Pashtun families to Kandahar and the internally displaced persons camp of Zar-a-Dasht in the south. In Takhar province, local commanders have prevented the return of Pashtun families to their villages, while in the north of Kunduz province, Pashtuns have been prevented from cultivating their lands, threatening their forced displacement. The Transitional Authority, the Human Rights Commission, UNAMA, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Return Commission for the North are trying to help resolve these tensions. However, continued insecurity and the absence of effective State judicial institutions unfortunately remains the rule rather than the exception. These conditions not only enable local commanders and Government officials to act with impunity, but also threaten to undermine the still-fragile peace process and the confidence of Afghans in it.

This is unfortunately not an exhaustive list of human rights violations in Afghanistan over the reporting period. International human rights organizations and activists often express outrage at and condemnation of cases of gross abuses. They also express frustration with the perceived lack of action to redress the situation. Obviously, we welcome such an interest and fully share these feelings. It is, however, important to note here that there is no quick fix here. The correct route to follow is to work with determination and patience to help Afghanistan build the instruments and institutions which will allow it to put an end to human rights violations: create a national police and national army; revive the judicial system and ensure the rule of law; and help the Afghan Independent Human Rights Commission to become the respected and effective watchdog the country needs.

Security — which casts a long shadow over the whole peace process and, indeed, over the whole future of Afghanistan — is the central issue. The security situation has been a constant theme in my briefings to the Council, and unfortunately, as I said earlier, I must inform members that it remains unstable and insufficient in much of Afghanistan. Rivalries among factions and local commanders, impunity with regard to human rights violations and daily harassment of ordinary Afghan citizens by both commanders and local security forces are all too common.

In addition, there are now almost daily attacks by elements hostile to the central Government and to those who support it. Forces believed to be associated with the Taliban, with Al Qaeda and with Hekmatyar have been stepping up operations against the coalition as well as against Afghan military and non-military targets in the south, the south-east and the east of the country. On 3 May, a national member of a demining non-governmental organization was shot dead and another was seriously injured when their work vehicle was fired upon on the main road from Kabul to Kandahar, in Wardak province. Local authorities are investigating. People who target these heroic deminers are not the enemies of the Afghan Government or of the coalition, and they are not foreigners. They are the enemies of the Afghan farmers who are waiting for their fields to be cleared and of the Afghan children who want to play without risking their lives. Indeed, people who attack deminers are the enemies of the entire Afghan nation.

Tensions and armed clashes occurred during the last week of April in Zabul province, although the causes of the violence are not yet clear. In early April, a prominent local tribal elder, Akhundzadah Jailani Khan, was assassinated. Most believe the Taliban to have been responsible for the murder because of the man's close relationship with President Karzai. A week later, a relative of the Governor of Kandahar, together with a bodyguard, were killed by suspected Taliban militants, not inside Afghanistan but in the Pakistani border town of Chaman. Coalition forces have regularly come under attack, and four of their number have been killed in recent weeks. Many more members of regional Afghan security forces in the south have died in fighting and as a result of assaults on their guard posts.

On 6 March, two International Security Assistance Force (ISAF) vehicles were hit by a remotely detonated explosive, which killed one ISAF interpreter and injured a soldier. The device showed a level of sophistication not previously seen in this kind of incident in Afghanistan. At the end of March, the

ISAF headquarters complex in the capital received a direct hit by a missile, but fortunately there were no casualties. Nine days later, rockets landed short of another ISAF compound in the city, and on 13 April an explosive device was detonated as two ISAF vehicles drove by. Once again, ISAF was extremely lucky not to have suffered any injuries to its personnel — and here, we too were lucky.

The threat posed by these elements to the international community was driven home by the shocking murder, in cold blood, of an International Committee of the Red Cross (ICRC) worker in late March — the first such killing of a foreigner since 1998. That incident was followed closely by the murder of another foreigner, an Italian visitor, in Zabul province. Indeed, a growing number of attacks have been directed against foreign aid organizations and against the United Nations. On 16 April, a grenade was thrown into a United Nations Children's Fund (UNICEF) compound in Jalalabad. Eight days later, an explosive device was thrown into a United Nations Office on Drugs and Crime (UNODC) office, also in Jalalabad. Fortunately, both of those incidents were without injury. On 22 April, a United Nations mine action vehicle came under sustained and targeted small-arms fire on the road from Kabul to Jalalabad at a point not far from Kabul near the Sarobi pass, injuring two of the car's three occupants. People trying to come to the assistance of the United Nations employees were fired upon to prevent them from helping the injured.

As these attacks on non-governmental and international organizations become more and more threatening, the pressure to suspend or withdraw operations increases. Already, the ICRC and a number of non-governmental organizations are reducing their operations in the south, with immediate consequences for key programmes that provide support to local populations. The United Nations is also currently undertaking a critical review of its operations and of its security measures. My colleagues and I have indicated to the Government and to the diplomatic community in Kabul that, while there will be no panic, we will certainly not be irresponsible. We will continue operations in all areas, where possible and to the maximum extent possible, but we, of course, cannot guarantee that United Nations and other civilian aid organizations will maintain current operational levels if the security of their personnel cannot be ensured. We expect better information exchange among the United Nations and coalition and Government authorities and strengthened measures to improve security where civilian aid workers are operating.

Afghanistan's neighbours play a crucial role in helping to ensure that the country's security is maintained, and the declaration they signed on 22 December 2002 is an important expression of solidarity on their part in that regard. As the Council will be aware, there are worrying reports of hostile elements crossing into Afghanistan over the eastern and southern borders. Pakistan has expressed its continuing readiness to address that problem, and the deployment of its armed forces in the border areas is a concrete example of that. I had the privilege of meeting President Musharraf in March, and he reaffirmed to me his strong support for President Karzai and his Government. He also expressed his readiness to discuss all issues and to cooperate fully with Afghan authorities, particularly in the area of security. On 22 April, President Karzai visited Islamabad. I think that his talks with President Musharraf have been timely, important and extremely useful for consolidating brotherly relations and cooperation between the two countries. It is my sincere hope that those and all of Afghanistan's other regional bilateral relations are being consistently strengthened with a view to protecting the fragile peace in the country.

Insecurity is also being exacerbated by the continuing occurrence of factional clashes. In the provinces of Badghis and Faryab, recent incidents have left more than 50 people dead. According to reports, 15 women and children from Bala Murghab, in Badghis, drowned in a river as they fled their attackers, while houses and shops in the area's villages were looted in a continuing pattern of human rights violations targeted against the ethnic Pashtuns in the area. In Maimana, fighting between the opposing Jumbesh and Jamiat factions broke out once again in a new manifestation of their contest for dominance in the north, which has terrorized the population. The impunity that the perpetrators of such crimes enjoy threatens to damage the integrity of the peace process and the support that the Government enjoys.

Clearly, the ultimate solution to such problems lies in creating Afghan security forces capable of ensuring peace. President Karzai's recent speech to the Afghan nation placed security sector-reform once again firmly at the centre of his Government's agenda. The

President announced the start date of 22 June for a programme of disarmament, demobilization and reintegration that will be carried out by the Afghan New Beginnings Programme, which is supported by the international community, with Japan and the United Nations in the lead. The planned DDR programme will include those officers and soldiers who are currently in military formations under the umbrella of the Ministry of Defence, up to a maximum of 100,000 persons.

But before the DDR programme can start, the letter and spirit of the presidential decree of 1 December 2002 on the formation of the National Army needs to be implemented with respect to the reform of the Ministry of Defence, as well as the Ministry of the Interior and intelligence structures. Encouraging progress has been made in the building of a new national army and a national police service, with the assistance of the United States and Germany as lead nations, respectively. But these efforts and the nationwide DDR programme will be successful only if there is confidence among all Afghans that the new security structures will have room for them and will serve the interests of the whole nation. Recent appointments in the Ministry of Defence represent a timid but welcome start towards redressing the ethnic imbalance in that key security institution, but more needs to be done before most Afghans will accept the security institutions as truly national.

There is also a heavy onus on the senior leaders of the Afghan military, who gathered in Kabul on 19 and 20 April from across the country to discuss the building of the new national army. Their verbal expressions of support for a new multi-ethnic army must now be matched by actions to demobilize their own forces to ensure that the new army will be under civilian control and will be the only instrument of force remaining in the country. The factional leaders have to face up to their responsibilities if they want to be part of the new Afghanistan. To that end, they will have to give up effectively the old ways, as there can be no room in this new Afghanistan for private armies, for private jails, for arbitrary arrests, for brutality, for corruption or for discrimination on ethnic or any other grounds. I think that the partners of Afghanistan, starting with its neighbours — but not limited to them — must signal in no uncertain terms that the international community will not deal with factional leaders, no matter what official titles they may have. We all must make it clear that we deal only with the Government of President Hamid Karzai and with those who are loyal to that Government in both words and deeds.

The nascent security institutions cannot be expected any time soon to provide the security that is desperately needed. The development of new security institutions after they were torn apart by more than two decades of vicious war is a time-consuming and painstaking process. It has been a fundamental premise since the time of the Bonn conference that the Bonn process needs to be underpinned by an improving security environment. The focus during the first year of the peace process was on the capital, Kabul, where the presence of ISAF over the past 16 months provided the stability necessary for the holding of the Emergency Loya Jirga and to start rebuilding the institutions of central Government. But now the rest of the country must experience increased security lest support for the Government and the Bonn process erode dangerously. The forthcoming stages of the Bonn process must by nature be broad-based, covering the entire country. The electoral registration this year and the elections in 2004, the consultation process and the national debate on the new constitution are undertakings that will require sufficient security across the whole of Afghanistan. Disarmament and demobilization, themselves a prerequisite for free and fair elections, cannot succeed if local confidence is eroded by instability and insecurity.

In view of this, I would ask the Council once again to carefully consider what international measures are available to help ensure the security needed for the Bonn process to effectively proceed. ISAF has shown its effectiveness in Kabul, but we have seen from the recent series of incidents there that insecurity outside of Kabul will creep into the capital. The Secretary-General and myself have advocated the expansion of ISAF beyond Kabul and I believe this remains part of a potential response to the question of security for the Bonn process. I also think that the provincial reconstruction teams deployed by the coalition can play an important part in addressing the problem of security.

Also, the insecurity in the provinces could be better addressed by a strengthened Afghan police presence. The new Minister of the Interior, Ali Ahmad Jalali, is injecting a new energy into the excellent programme developed by Germany, as the lead nation for the formation of the national police. A new structure for the Ministry of the Interior has been

approved by the President, streamlining the institution and creating a much more efficient and clear line of command and control between Kabul and the provinces. It also consolidates all the police functions under the Ministry of Interior. Work is in progress to create a highway patrol that will provide security along the roads of Afghanistan. The Minister also hopes to put together a rapid-reaction police force that can be deployed quickly to any part of the country. This concept has already been put to the test in Maimana, where a small force was deployed to provide a neutral security presence following the interfactional fighting that I referred to earlier.

But these worthy initiatives require money and, to date, the level of donor commitments to the United Nations Law and Order Trust Fund for Afghanistan is insufficient to allow the Ministry of the Interior to effectively strengthen the Afghan police. Of the $120 million the Trust Fund is expected to cover until June next year, only $11 million has been paid into the fund to date and a further $35 million to $40 million pledged.

I believe the Council would agree that the Bonn process could never be expected to be easy. Hesitation, doubt, frustration and setbacks are part of such an endeavour. The progress made thus far has been considerable, considering the state of the country after three decades of instability, with more than two decades of brutal civil war. But we must now be careful not to let the current threats to the peace process and the growth in the number of Afghans who are becoming disaffected with the state of their nation undermine this progress. The benefits of the peace are still largely centred on Kabul and a peace dividend still eludes the vast majority of Afghans.

As I have stressed today, there are many signs that the security situation throughout Afghanistan is worsening precisely as the next phases of the Bonn process need it to improve. There is a real but still avoidable risk that the Bonn process will stall if security is not extended to the regions and that Afghans will lose confidence in the central Government if it cannot protect them. Further progress cannot be achieved in a security vacuum, and if it is not, dissatisfaction will grow. Reconstruction and recovery are also being hampered by insecurity in the south and elsewhere, and this will contribute, in a vicious cycle, to further disaffection, increased crime and, in turn, further insecurity.

The Government can, and must, do its part to address this. One key element in doing so is to accomplish reforms that ensure that all Afghans can support the Government's institutions and feel a sense of responsibility for protecting those institutions. In order to help the peace process along, those who do not oppose the peace process and who are committed to non-violent means, regardless of their political or ethnic affiliation, must be provided with political space and equal opportunities. Where there are constituencies that feel left out of the process there is fertile ground for those committed to violent opposition to find sustenance. Creating the conditions necessary for truly national participation in that process over the coming months is therefore of the utmost importance.

I think that President Karzai and his colleagues in the Government are very much aware that widely shared perceptions of unfairness and discrimination on ethnic and other grounds need to be corrected urgently. President Karzai made that point very forcefully in a speech he made last week to an assembly of religious leaders. In particular, he reminded his audience, and the country at large, that there must be room for everyone in the political process, including people who may have served the Taliban regime, if those people genuinely support peace and national unity. The President and his ministers have to act now. I very much hope that the Security Council, the neighbours of Afghanistan, the international community as a whole and all of us who are engaged in the field with the Afghan people will fully contribute our respective share in support of this major effort at this very critical time.

The President: I thank Mr. Brahimi for his comprehensive briefing to the Council, as well as for his kind words addressed to me.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.05 a.m.